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Attorneys for Defendant  
BAYER HEALTHCARE LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ABBOTT DIABETES CARE INC. and  
ABBOTT LABORATORIES,

Plaintiffs,

v.

ROCHE DIAGNOSTICS CORP., and BAYER  
HEALTHCARE LLC,

Defendants.

Case No. C05-03117 MJJ

THERASENSE, INC. AND ABBOTT  
LABORATORIES,

Plaintiffs,

v.

NOVA BIOMEDICAL CORPORATION AND  
BECTON, DICKINSON AND COMPANY,

Defendants.

Case No. C04-2123 MJJ  
Case No. C04-3732 MJJ  
Case No. C04-3327 MJJ

**STIPULATION AND  
~~[PROPOSED]~~ ORDER**

Judge: Hon. Martin Jenkins

Abbott Diabetes Care Inc. and Abbott Laboratories, Plaintiffs, and Roche Diagnostics Corp., Roche Diagnostics Operations Inc., Bayer Healthcare LLC, Nova Biomedical Corporation, and Becton, Dickinson and Company, Defendants, do hereby stipulate and jointly request that the Court modify the Case Management Order of May 14, 2007 as follows:

Defendants shall not be required to produce opinions of counsel -- if such opinions are to be relied upon to rebut Plaintiffs' claims of willfulness -- as required by Patent Local Rule 3-8 until the earlier of: (1) 10 days after the issuance of the Federal Circuit's ruling in *In re Seagate Technology, LLC*, or (2) August 2, 2007. The parties jointly request this Order because the Federal Circuit's En Banc decision is expected to clarify material aspects of the law relating to the disclosure of opinions of counsel in patent litigation.

Dated: 6/15, 2007

BAKER BOTTS LLP

By: 

James W. Cannon, Jr.  
Shannon H. Hutcheson  
Maria Wyckoff Boyce  
David G. Wille

*Attorneys for Plaintiffs Abbott Diabetes Care, Inc. and Abbott Laboratories*

Dated: June 15, 2007

BARNES & THORNBURG LLP

By: 

Donald E. Knebel  
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Jonathan Froemel  
Daniel P. Albers  
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*Attorneys for Defendants Roche Diagnostic Corp. & Roche Diagnostics Operations, Inc.*

1 Dated: \_\_\_\_\_, 2007

ROPES & GRAY LLP

2 By: \_\_\_\_\_

3 Bradford J. Badke  
4 Sona De  
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7 Mark D. Rowland  
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*Attorneys for Defendants Nova Biomedical  
Corporation Becton, Dickinson and Company*

8 Dated: 6/15, 2007

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10 By: Jason Band

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*Attorneys for Defendant Bayer Healthcare LLC*

1 Dated: June 15, 2007

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Bradford J. Badke  
Sonia De  
Brien P. Santarlas  
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*Attorneys for Defendants Nova Biomedical  
Corporation Becton, Dickinson and Company*

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8 Dated: \_\_\_\_\_, 2007

MORRISON & FOERSTER LLP

By: \_\_\_\_\_

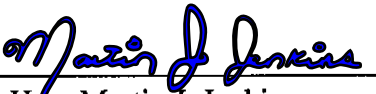
Rachel Krevans  
Wesley E. Overson  
Jason R. Bartlett

*Attorneys for Defendant Bayer Healthcare LLC*

~~[PROPOSED]~~ ORDER

THE FOREGOING STIPULATION IS APPROVED AND IT IS SO ORDERED.

Dated: 6/20, 2007

By:   
Hon. Martin J. Jenkins  
United States District Court Judge